



March 25, 2008

Chairman Ross Johnson
Fair Political Practices Commission
428 J St., #620
Sacramento, CA 95814

Fax: 916/322-6440

**RE: March 13, 2008 Agenda Item #9
Permanent Adoption of Emergency Regulation 18413**

Dear Chairman Johnson:

I write on behalf of Legal Services for Prisoners with Children regarding the permanent adoption of Emergency Regulation 18413.

Legal Services for Prisoners with Children is a non-profit legal services advocacy organization based in San Francisco. We advocate for the human rights and empowerment of incarcerated parents, children, family members and people at risk for incarceration. We respond to requests for information, trainings, technical assistance, litigation, community activism and the development of more advocates. Our focus is on women prisoners and their families, and we emphasize that issues of race are central to any discussion of incarceration.

As you may be aware, because initiatives, referenda, state constitutional amendments, city charter amendments, bond measures and declarations of policy voted on by the electorate involve the passage of law rather than the election or selection of candidates, it is therefore permissible lobbying activity of a public charity. 501(c)(3) organizations have historically played an important role in the ballot measure process. Our participation should not be stifled by overly burdensome disclosure rules that may discourage our participation in the ballot measure process. Because the alternative event-based reporting of this regulation as drafted is available only to 501(c)(4) organizations, our agency organized under 501(c)(3) of the Internal Revenue Code will, in effect, be subject to more burdensome disclosure requirements than our 501(c)(4) counterparts when engaging in the same type of ballot activity. In our view, this result is contrary to the court's decision in *California Pro-Life Council, Inc. v. Randolph*, which did not distinguish 501(c)(3) organizations in its opinion. Surely the FPPC would not intentionally discriminate against 501(c)(3) public charities!

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I understand that this issue has been previously raised at several of your agency meetings but that changes were not made to allow the regulation's application to 501(c)(3) organizations. I urge you to reconsider this issue and allow the alternative reporting to be available to these organizations. I also ask that this letter be submitted into the public record.

Sincerely,

A handwritten signature in black ink, appearing to read 'Karen Shain', written over a horizontal line.

Karen Shain
Co-Director